| | ed States Patent | TAND TRADEMARK OFFICE | UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P.O. Box 1450 Alexandria, Virginia 223 www.uspto.gov | Trademark Office OR PATENTS |
|--|------------------|-----------------------|--|--------------------------------|
| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 09/409,594 | 09/30/1999 | RONALD W. BASSETT | AT9-99-254 | 5602 |
| 35525 7590 05/08/2006 IBM CORP (YA) | | | EXAMINER | |
| | | SALCE, JASON P | | JASON P |
| C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380 | | | ART UNIT | PAPER NUMBER |
| | | | 2623 | |
| | | | DATE MAILED: 05/08/2006 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) | | | |
|---|--|---|--|--|--|
| | 09/409,594 | BASSETT ET AL. | | | |
| Office Action Summary | Examiner | Art Unit | | | |
| | Jason P. Salce | 2623 | | | |
| The MAILING DATE of this communication a | appears on the cover she | et with the correspondence address | | | |
| Period for Reply | | 2 MONTH(S) OR THIRTY (30) DAYS. | | | |
| A SHORTENED STATUTORY PERIOD FOR REF WHICHEVER IS LONGER, FROM THE MAILING Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory peri Failure to reply within the set or extended period for reply will, by sta Any reply received by the Office later than three months after the ma earned patent term adjustment. See 37 CFR 1.704(b). | DATE OF THIS COMM 1.136(a). In no event, however, i iod will apply and will expire SIX (i the cause the application to become | NONTHS from the mailing date of this communication. MONTHS from the mailing date of this communication. ME ABANDONED (35 U.S.C. § 133). | | | |
| Status | | | | | |
| 1) Responsive to communication(s) filed on <u>16</u> | <u>6 February 2006</u> . | | | | |
| 2a) This action is FINAL . $2b$) This action is FINAL . | his action is non-final. | | | | |
| 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is | | | | | |
| closed in accordance with the practice under | er <i>Ex parte Quayle</i> , 193 | 5 C.D. 11, 453 O.G. 213. | | | |
| Disposition of Claims | | | | | |
| 4)⊠ Claim(s) <u>1-44</u> is/are pending in the applicat | ion. | | | | |
| 4a) Of the above claim(s) is/are withdrawn from consideration. | | | | | |
| 5) Claim(s) is/are allowed. | | | | | |
| 6) Claim(s) $1-44$ is/are rejected. | | | | | |
| 7) Claim(s) is/are objected to. | | | | | |
| 8) Claim(s) are subject to restriction an | nd/or election requireme | nt. | | | |
| Application Papers | | | | | |
| 9) The specification is objected to by the Exan | niner. | | | | |
| 10) The drawing(s) filed on is/are: a) | accepted or b) object | ed to by the Examiner. | | | |
| Applicant may not request that any objection to | the drawing(s) be held in | abeyance. See 37 CFR 1.85(a). | | | |
| Replacement drawing sheet(s) including the co | rrection is required if the d | rawing(s) is objected to. See 37 GFR 1.12 (u). | | | |
| 11) The oath or declaration is objected to by the | e Examiner. Note the at | lached Onice Action of John 1 10 102. | | | |
| Priority under 35 U.S.C. § 119 | | | | | |
| 12) Acknowledgment is made of a claim for for | eign priority under 35 U | S.C. § 119(a)-(d) or (f). | | | |
| a) All b) Some * c) None of: | | 4 | | | |
| 1. Certified copies of the priority documents have been received. | | | | | |
| 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage | | | | | |
| 3. Copies of the certified copies of the | priority documents nave | | | | |
| application from the International Bu * See the attached detailed Office action for a | a list of the certified cool | es not received. | | | |
| - See the attached detailed Onice action for c | | | | | |
| Attachment(s) | _ | · · · · · · · · · · · · · · · · · · · | | | |
| 1) Notice of References Cited (PTO-892) | n Pa | erview Summary (PTO-413) per No(s)/Mail Date | | | |
| 2) Notice of Draftsperson's Patent Drawing Review (PTO-944 3) Information Disclosure Statement(s) (PTO-1449 or PTO/S Paper No(s)/Mail Date | 5) B/08) 5) 🛄 No | tice of Informal Patent Application (PTO-152) her: | | | |
| | | | | | |

Application/Control Number: 09/409,594 Art Unit: 2623

DETAILED ACTION

1. In view of the appeal brief filed on 4/9/04, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied

by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130,

1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

After further consideration, the examiner has found that the omitting limitations in

conjunction with the remaining limitations of the claims, are not supported by the

specification and a 112 1st Paragraph is presented below.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to

Application/Control Number: 09/409,594 Art Unit: 2623

one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding the independent claims, the claims recite, "altering ones of the selected video streams and ones of the selected audio streams for the event, wherein the altering step <u>selectively omits content of at least one of the selected streams while</u> retaining other content for presentation to produce an altered stream". The examiner notes that the only section in the Applicant's specification of the instant application that discusses altering by omitting content from the video or audio streams can be found on Page 12, Lines 27-29, which states, "Depending on the user input, some portions of the video and audio data streams may be presented while others are omitted". The claim then recites the limitation, "presenting the selected and altered streams concurrently", which is supported on Page 22, Line 32 through Page 23, Line 11 of the instant application.

The entire process of Figure 8, which is discussed further on Pages 21-23 of the instant application's specification, states nothing about omitting content from the streams. Instead, the only altering done in the process of Figures 8 to the audio and video streams are completely opposite from omitting content (such as changing the volume of the audio streams or the opacity of the video streams). Therefore, the specification fails to teach how the system would concurrently present selected and altered video and audio streams, where the altered stream(s) are ones that have omitted content while retaining other content for presentation.

Page 3

Application/Control Number: 09/409,594 Art Unit: 2623

Claims 1-44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding the independent claims, the claims recite, "altering ones of the selected video streams and ones of the selected audio streams for the event, wherein the altering step <u>selectively omits content of at least one of the selected streams while</u> retaining other content for presentation to produce an altered stream". The examiner notes that the only section in the Applicant's specification of the instant application that discusses altering by omitting content from the video or audio streams can be found on Page 12, Lines 27-29, which states, "Depending on the user input, some portions of the video and audio data streams may be presented while others are omitted". The claim then recites the limitation, "presenting the selected and altered streams concurrently", which is supported on Page 22, Line 32 through Page 23, Line 11 of the instant application.

Note that since Applicant's system omits portions from the video and audio streams and **presents** the others, then clearly the omitted portions of the video and audio streams are **not displayed**; therefore the system is not be capable of displaying both the **omitted** and **selected** portions concurrently.

Furthermore, the specification states on Page 22, Line 32 through Page 23, Line 3 that "Once the media streams are <u>selected **and** configured</u> the audio and video

Page 4

Application/Control Number: 09/409,594
 Art Unit: 2623

streams are synchronized to each other". Clearly the audio and video streams are both selected and configured before concurrent display, therefore since the audio and video streams are both selected <u>and</u> configured before synchronous display, the system is not be capable of displaying both the <u>omitted</u> and <u>selected</u> portions concurrently.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

> Jason P Salce Patent Examiner Art Unit 2623

JOHN MILLER SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2600

April 25, 2006